

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>DOLLIE SUGGARS, KENYA</b>	)	
<b>MCGAUGHY, and SARAH DICKSON,</b>	)	
<b>on behalf of THEMSELVES and All</b>	)	
<b>Others Similarly Situated,</b>	)	
	)	<b>COLLECTIVE ACTION</b>
<i>Plaintiffs,</i>	)	
	)	<b>CASE NO. 3:13-cv-906</b>
<b>v.</b>	)	
	)	<b>JUDGE TRAUGER</b>
<b>AMAZON.COM, INC., AMAZON.COM.</b>	)	<b>MAGISTRATE JUDGE BRYANT</b>
<b>DEDC, LLC, and SMX, LLC,</b>	)	
	)	
<i>Defendants.</i>	)	
	)	
	)	

**PLAINTIFFS' MOTION FOR EXPEDITED COURT-SUPERVISED NOTICE**  
**AND FOR CONDITIONAL CLASS CERTIFICATION**  
**IN ACCORDANCE WITH 29 U.S.C. § 216(b)**

Plaintiffs Dollie Suggars, Kenya McGaughy, and Sarah Dickson (collectively “Plaintiffs”) move this Court for an order (1) issuing expedited notice of this action to be sent to members of the putative collective class; and (2) conditionally certifying a class of similarly situated employees pursuant to 29 U.S.C. § 216(b) of the Fair Labor Standards Act (“FLSA”). Granting this relief will allow this FLSA collective action to proceed efficiently and appropriately under this Court’s supervision by ensuring that potential class members are informed of their legal right to join this action. Moreover, the expedited issuance of notice to prospective class members will ensure that they have an opportunity to toll their statute of limitations early in this litigation in accordance with 29 U.S.C. § 216(b).

Plaintiffs request that this Court issue notice to potential class members, notifying them of this action and their right to join this action by filing a consent form in accordance with 29

U.S.C. § 216(b) of the FLSA. Plaintiffs have submitted a proposed Notice of Pending Fair Labor Standards Act Lawsuit and a proposed Opt-In Consent Form, which are attached to the contemporaneously filed Memorandum in Support of this Motion, as Exhibits 1 and 2, respectively. As discussed in the Memorandum, the proposed Notice Form is modeled after a form that has been approved by this Court in FLSA collective action litigation. *See Proposed Agreed Collective Action Notice, Woods v. RHA/Tennessee Group Homes, Inc.*, No. 3:11-cv-0044 (Dkt. 49-1) (M.D. Tenn. Apr. 13, 2011) (attached to as Exhibit 3 to contemporaneously filed memorandum). The issuance of this Notice will ensure that this collective action proceeds efficiently and appropriately under this Court's supervision.

Plaintiffs also request that, pursuant to 29 U.S.C. § 216(b) of the FLSA, this Court conditionally certify an FLSA class consisting of:

All hourly-paid employees of Defendants who have worked at the Amazon Fulfillment Center in Murfreesboro, Tennessee since September 9, 2011 and who have been required to proceed through Defendants' anti-theft security screening operation without pay either after their paid shifts or during their unpaid meal periods.

As discussed in the accompanying brief, conditional certification of this class pursuant to 29 U.S.C. § 216(b) of the FLSA is warranted because, like the Named Plaintiffs, all of the potential class members were subject to the same common pay policy and practice that failed to pay them for all time worked. Accordingly, these collective claims seek recovery under the FLSA for all time spent proceeding through the mandatory theft-prevention security screening operation at the Amazon Fulfillment Center in Murfreesboro, Tennessee.

A proposed order providing this relief is attached as an exhibit to this Motion.

Date: September 19, 2013

Respectfully submitted,

/s/ Scott P. Tift

**JERRY E. MARTIN (BPR # 20193)**  
**DAVID W. GARRISON (BPR # 24968)**  
**SCOTT P. TIFT (BPR # 27592)**  
**SETH M. HYATT (BPR # 31171)**  
BARRETT JOHNSTON, LLC  
217 Second Avenue North  
Nashville, TN 37201  
jmartin@barrettjohnston.com  
dgarrison@barrettjohnston.com  
stift@barrettjohnston.com  
shyatt@barrettjohnston.com  
Telephone: (615) 244-2202  
Facsimile: (615) 252-3798

**PETER WINEBRAKE\***  
**R. ANDREW SANTILLO\***  
WINEBRAKE & SANTILLO, LLC  
715 Twining Road, Suite 211  
Dresher, PA 19025  
Phone: (215) 884-2491  
Facsimile: (215) 884-2492  
pwinebrake@winebrakelaw.com  
asantillo@winebrakelaw.com  
\* *Pro Hac Vice* Motion Anticipated

**J. CHRIS SANDERS\***  
7982 New LaGrange Road, Suite 5  
Louisville, KY 40220  
Office Telephone: (502) 558-6337  
Mobile Telephone (502) 339-4474  
jchrissanders@yahoo.com  
\* Admitted *Pro Hac Vice*

**DAVID O'BRIEN SUETHOLZ\***  
KIRCHER, SUETHOLZ AND GRAYSON, PSC  
515 Park Avenue  
Louisville, KY 40208  
Telephone: (502) 636-4333  
Facsimile: (502) 636-4342  
dave@unionsidelawyers.com  
\* *Pro Hac Vice* Motion Pending

*Attorneys for Plaintiffs*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this the 19<sup>th</sup> day of September, 2013, a true and exact copy of the foregoing *Plaintiffs' Motion for Expedited Court-Supervised Notice and for Conditional Class Certification in Accordance with 29 U.S.C. § 216(b)* has been served on the following Defendants in this matter, through their registered agents as listed below, via U.S. Mail, first-class postage prepaid:

Amazon.com, Inc.  
c/o Corporation Service Company  
2711 Centerville Road, Suite 400  
Wilmington, Delaware 19808

Amazon.com.DEDC, LLC  
c/o Corporation Service Company  
2908 Poston Avenue  
Nashville, Tennessee 37203-1312

SMX, LLC  
c/o Corporation Service Company  
2908 Poston Avenue  
Nashville, Tennessee 37203-1312

/s/ Scott P. Tift

SCOTT P. TIFT

BARRETT JOHNSTON, LLC